

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MEYALLI AGUIRRE,

Plaintiff,

Case No. 1:18-cv-00022-JHR-SCY

v.

SBM, and ARCY WILSON,

Defendants.

**STIPULATION AND PROPOSED ORDER TO ARBITRATE PLAINTIFF'S CLAIMS  
AND STAY ACTION PENDING ARBITRATION**

This Stipulation is made by and between Plaintiff Meyalli Aguirre ("Plaintiff") and Defendants SBM Management Services, LP ("SBM") and Arcy Wilson ("Wilson") (SBM and Wilson are collectively referred to as "Defendants") by and through their respective attorneys of record. The Stipulation is made with reference to the following facts:

1. Plaintiff was an employee of SBM. Plaintiff alleges that she was subjected to adverse employment actions during her employment with SBM by Wilson, an SBM employee acting in the course and scope of her employment.

2. On November 3, 2016, Plaintiff signed a mutual agreement to arbitrate claims arising out of her employment that was appended to her application for employment. That application arbitration agreement is attached at Exhibit A. On November 19, 2016, upon being hired, Plaintiff signed another mutual agreement to arbitrate claims arising out of her employment ("Arbitration Agreement"). Attached as Exhibit B is that Arbitration Agreement.

3. On December 8, 2017, Plaintiff filed a civil complaint with the Second Judicial District Court, County of Bernalillo, entitled Meyalli Aguirre v. SBM and Arcy Wilson, Case Case No. D-202-CV-2017-08780 ("Lawsuit").

4. The Lawsuit alleges disability discrimination by Defendants in violation of the New Mexico Human Rights Act. That claim arises out of Plaintiff's employment with SBM.

5. The parties agree that the claim raised in Plaintiff's Lawsuit falls within the scope of the Arbitration Agreement and agree to submit the matter to arbitration pursuant to the November 19, 2016 Arbitration Agreement.

6. The arbitration will be held in Bernalillo County at a location acceptable to Plaintiff and Defendants, and shall be arbitrated by an arbitrator acceptable to Plaintiff as set forth in the Arbitration Agreement.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties hereto as follows:

1. Plaintiff will submit the claim set forth in her Lawsuit to binding arbitration pursuant to Plaintiff's executed November 19, 2016 Arbitration Agreement, attached hereto as Exhibit B;

2. The parties agree that the Court shall enter an order compelling Plaintiff to arbitrate the claims she is asserting or could assert in the Lawsuit to final and binding arbitration pursuant to the parties' Arbitration Agreement, and the Court shall stay this Lawsuit until the final determination of the arbitration proceedings;

3. Subject to this Stipulation, and except for this stipulation/agreement to arbitrate all claims, by stipulating to this Order, neither Plaintiff nor either Defendant waives any existing claims or defenses, whether substantive or procedural;

4. Plaintiff and Defendants shall mutually agree upon an arbitrator to arbitrate Plaintiff's claims. If the parties are unable to mutually agree to an arbitrator, they will select an arbitrator as set forth in the American Arbitration Association's Employment Arbitration Rules.

5. The arbitration shall be held in Bernalillo County at a location acceptable to Plaintiff and Defendant;

6. The Lawsuit will be stayed pending resolution of the claims pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16 and Plaintiff's November 19, 2016 Arbitration Agreement;

7. Signatures on this Stipulation may be transmitted by facsimile and/or electronically scanned and emailed copies with the same force and effect as originals; and

8. The Court may enter the attached Order.

**IT IS SO STIPULATED.**

Submitted by:

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/ Thomas L. Stahl

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**ORDER TO ARBITRATE PLAINTIFF'S CLAIMS  
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In light of the parties Stipulation, and good cause being shown,

**IT IS HEREBY ORDERED:**

1. Plaintiff Meyalli Aguirre is ordered to submit to final and binding arbitration, pursuant to the Federal Arbitration Act and her agreement to arbitrate, her New Mexico Human Rights Act claim against Defendants SBM and Arcy Wilson, and any other claims that could be asserted, in the complaint in this action;

2. The action is stayed until the final determination of the arbitration proceedings.

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UNITED STATES MAGISTRATE JUDGE